
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

IVY FLINDERS,

Plaintiff,

v.

DCFS et al.,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:23-CV-00174

District Judge Jill N. Parrish

Plaintiff Ivy Flinders (“Plaintiff”), proceeding pro se, sued the Division of Child and Family Services, case manager Hannah Withers, Judge Steven Beck of the Third District Juvenile Court, Assistant Attorney General David Geary, and Guardian Ad Litem Alisha Giles (collectively, “Defendants”). Magistrate Judge Dustin B. Pead issued an order granting Plaintiff’s petition to proceed *in forma pauperis*, as well as a Report and Recommendation that the action be dismissed for failure to state a claim upon which relief may be granted. ECF No. 14. Magistrate Judge Pead notified Plaintiff that a failure to file a timely objection to the Report and Recommendation could waive any objections to it. Plaintiff did not file an objection within the allotted time.

Because Plaintiff did not object to the Report and Recommendation, she waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the

Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation for Dismissal (ECF No. 14) is ADOPTED IN FULL.
2. This action is DISMISSED.

Signed September 17, 2024

BY THE COURT



Jill N. Parrish
United States District Court Judge